

REMARKS

Claims 1-6 are pending and claims 7-15 are cancelled without prejudice in response to an election of claims pursuant to 37 CFR 1.142(b).

Claims 1, 2 and 3 have been amended as suggested by the Examiner. No new matter has been added by virtue of the amendments made to the claims.

The specification has been amended, specifically at pages 16, 25, 55 and 59 to include the referenced U.S. Application Serial Numbers. No new matter has been added by virtue of the amendments made to the specification.

Claims 1-6 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time of the Application was filed, had possession of the claimed invention.

Applicants thank the Examiner for a telephone interview on July 17, 2003 in which the nature of the 35 U.S.C. §112 first paragraph rejection was clarified. The Examiner has rejected the claims because it is asserted that they read on a genus of source organisms. Applicants have amended the claims so that each claim refers to a particular isolate from which the isolated DNA is obtainable.

Claims 1-6 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and

Morgan, et al.

U.S.S.N.: 09/689,343

Filed: October 12, 2000

Page 7

distinctly claim the subject matter which Applicant regards as the invention.

Claims 1-3 (and dependent claims) are vague in that there is no antecedent basis for the term "the MseI restriction endonuclease". The claim has been amended accordingly.

Claim 1 is vague in that Applicants claim a *MseI* encoding DNA obtainable from "*Micrococcus species*". It is unclear what *Micrococcus species* is being referred to, i.e., any *Micrococcus species* or *Micrococcus species* NEB#446. The claim has been amended accordingly.

Claims 1 and 3 are vague because the claims do not begin with an article such as "The" or "A" or "An", etc. The claim has been amended accordingly.

Claim 5 is vague because there is no antecedent basis for the term "the cloning vector" in claim 2. Claim 2 has been amended accordingly.

#### SEQUENCE LISTING

Applicants have attached hereto a papercopy of the Sequence Listing as well as a disk containing the same. Applicants have included SEQ ID NO:1 through SEQ ID NO:21 as part of the sequence listing. Applicants have also attached the Notice to Comply with this response.

Morgan, et al.

U.S.S.N.: 09/689,343

Filed: October 12, 2000

Page 8

CONCLUSION

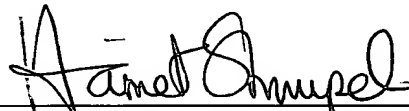
For the reasons set forth above, Applicants respectfully submit that the rejections set forth in the Official Action of January 29, 2003 have been overcome and that this case is in condition for immediate allowance. Early and favorable consideration leading to prompt issuance of this Application is earnestly solicited.

Should the Examiner wish to discuss any of the amendments and/or remarks made herein, the undersigned Attorney would appreciate the opportunity to do so. Thus, the Examiner is hereby authorized to call the undersigned collect at the number shown below.

Respectfully submitted,

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